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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,795	06/27/2003	Charles Gary Atwell	04981-00433-US	6498
23416	7590	05/10/2006	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ, LLP			CHAUDHRY, SAEED T	
P O BOX 2207			ART UNIT	PAPER NUMBER
WILMINGTON, DE 19899			1746	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/607,795	ATWELL, CHARLES GARY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Saeed T. Chaudhry	1746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/27/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

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## **DETAILED ACTION**

### **Election/Restriction**

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, Claims 1-8, drawn to a system, classified in Class 15, subclass 309.1.

Group II, Claims 9-14, drawn to a method of removing dust from the surface of a paper, classified in Class 134, subclass 21.

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (M.P.E.P. § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as coating a substrate or removing liquid from web-formed material.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter, the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Richard M. Beck on April 4, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-8. Affirmation of this election must be made by applicant in responding to this Office action. Claims 9-14 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

### **Claim Rejections - 35 USC § 112**

**Claims 1-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The phrase “or the like” in claims 1, at lines 1 and 12 and claim 8, in lines 9 and 10, renders the claim indefinite because the claimed process includes steps not actually disclosed (those encompassed by “or the like”) and the scope of the claim is unascertainable. *Ex parte Caldwell*, 1906 CD 58, (Commr pats 1905).

Claim 1 recites the limitation “the linear speed” and “the surface velocity” in lines 9-10. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation “the outer” in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation “the other” in line 2. There is insufficient antecedent basis for this limitation in the claim.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

**Claims 1-5 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barcaro.**

Barcaro (3,266,196) disclose an apparatus for continuously cleaning a web comprising a transport assembly (38, 40) for conveying the web along a path of travel; a rotating vacuum drums (58) having slots (65) in the outer surface of the vacuum drum (58); vacuum means connected to the drum; and means for producing different speed between the vacuum drum and the speed of the web (see Figs. 1, 5, 6 and col. 3, lines 19-52).

It would have been obvious at the time applicant invented the claimed apparatus to utilize apparatus as disclosed by Barcaro for removing dust from the surface of paper web because it is well known in the art to remove dust from the surface of the paper web and the apparatus of Barcaro is capable of removing dust from the paper web since it is removing dust from the surface of a tape web. The claimed apparatus do not exclude a tape 46 from the surface of the vacuum drum. Therefore, the apparatus of Barcaro still capable of vacuuming the paper dust. Further, one of ordinary skill in the art manipulate the size and shape of the slots in the vacuum drum for efficient removal of the dust particles.

**Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barcaro in view of Fischer et al.**

Barcaro was discussed supra. However, the reference fails to disclose second vacuum drum and an adjustment device connected to shift the vacuum drum.

Fischer et al (4,010,514) disclose an apparatus for continuously cleaning paper in web form comprising a transport assembly (9) for conveying the paper along a path of travel; two rotating vacuum drums (1) having radial slots or bores (11) in the outer surface of the vacuum

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drum; a vacuum pump connected to the inner space of the vacuum drums; and both the rotating drums rotate in opposite directions to each other for removing dust from both sides of the paper. The plate (6) is rotatable about a pivot (7) to adjust the contact pressure of the web 3 on the suction rollers (see Fig. 1 and col. 3, lines 1-41). The reference fails to rotate the vacuum drums in the direction of travel of the web.

It would have been obvious at the time applicant invented the claimed apparatus to include a second vacuum drum as disclosed by Fischer et al into the apparatus of Barcaro for purpose of cleaning both sides of the web in one pass and use an adjustment device as disclosed by Fischer et al to increase or decrease pressure of the web on the suction drums.

***Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.***

***If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.***

***When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.***

***Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.***

**Saeed T. Chaudhry**  
**Patent Examiner**



**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**